

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

JAMES E. SHELTON,

Plaintiff,

Case No. 1:19-cv-1026

v.

State Court Case No. CV 19 913425

HEALTH INSURANCE INNOVATIONS,
INC.

Defendant.

DEFENDANT HEALTH INSURANCE INNOVATIONS, INC.'S NOTICE OF REMOVAL

Defendant Health Insurance Innovations, Inc. (“HII”) hereby files this notice of removal to remove this action from the Court of Common Pleas of Cuyahoga County, Ohio to this Court, pursuant to 28 U.S.C. §§ 1331, 1367, and 1446. This is a civil action over which this Court has original jurisdiction, and the matter is properly removed to this Court for the reasons next stated.

1. On April 3, 2019, Plaintiff James E. Shelton (“Plaintiff”) filed a complaint in the Court of Common Pleas of Cuyahoga County, Ohio in the action captioned *James E. Shelton v. Health Insurance Innovations, Inc.*, Case No. CV 19 913425 (hereinafter, the “State Action”).

2. The complaint was served on HII on April 9, 2019. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon HII in the State Action are attached hereto as “Exhibit 1.”

3. The complaint names HII as the only defendant. (Compl. ¶ 3.)

4. Pursuant to 28 U.S.C. § 1331, this court has original jurisdiction of “all civil actions arising under the Constitution, laws, or treaties of the United States.”

5. In the State Action, Plaintiff asserts a claim for alleged violations of a federal statute, Telephone Consumer Protection Act, 47 U.S.C. § 227, and, therefore, this Court has original jurisdiction over this action.

6. Pursuant to 28 U.S.C. § 1367, the Court has supplemental jurisdiction over the remaining claims stated in the complaint.

7. Pursuant to 28 U.S.C. § 1446(b)(1), a notice of removal shall be filed within thirty days after the receipt by the defendant of a copy of the initial pleading.

8. This Notice of Removal is filed within thirty days of the date that HII received a copy of the complaint.

9. A copy of this Notice of Removal will be sent to the Clerk of the Court of Common Pleas of Cuyahoga County, Ohio.

10. Accordingly, this action is hereby removed to the United States District Court for the Northern District of Ohio, Eastern Division, 28 U.S.C. §§ 1331, 1367, and 1446.

Respectfully submitted,

/s/ Jolene S. Griffith

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Defendant Health Insurance Innovations, Inc.'s Notice of Removal was served upon Plaintiff by sending a copy of it to Plaintiff's attorney, Bryan Anthony Reo, Reo Law LLC, P.O. Box 5100, Mentor, Ohio 44061, by first-class, United States mail, postage pre-paid, this 7th day of May 2019.

/s/ Jolene S. Griffith
Jolene S. Griffith (0084940)

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